REMARKS/ARGUMENTS

Status of Claims

The Office Action mailed December 07, 2004 has been reviewed and carefully considered. Claims 1-4 were previously pending in this application, with claim 1 being the only independent claim. Claims 1 and 4 have been canceled, claims 2 and 3 have been amended, and new claim 5 has been added to replace claim 1. Reconsideration of the present application, in view of the above amendments and following remarks, is respectfully requested.

Overview of the Office Action

Rejections to the Claims

Claim 1 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,193,086 to Satomi et al. (Satomi). Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Satomi in view of U.S. Patent No. 6,430,604 to Ogle et al. (Ogle). Claims 3-4 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Satomi in view of European Patent EP 0498593 to Krishnan et al. (Krishnan).

Objections to the Specifications:

The Examiner has objected to the title of the invention as not being descriptive. Applicant amended the title as the Examiner has suggested.

The Examiner has objected to a typographical error appearing on page 1, paragraph 3, line 2. Applicant has made the necessary correction.

The Examiner pointed out that the application was not in proper condition to claim benefit of an earlier application under 35 USC 119(e). Since this statutory section applies to provisional

applications, it is believed that the Examiner's comment is not applicable to the present application which does not seek benefit of a provisional application. Clarification is requested.

Summary of subject matter described in the specification

A communication terminal is disclosed, such as a telephone, a PDA or a notebook computer. A user of this communication terminal can specify several different means of communication with another user. Such different means of communication are described on page 3 of the specification as including a traditional telephone line, a mobile phone, email or LAN voice connection to communicate. Only the user of the terminal has knowledge of the importance or urgency of estaqblishing communication with the other user and is able to select the manner of communication depending on the importance or urgency of the communication.

Descriptive Summary of the Prior Art

Satomi discloses a network system capable for achieving line switching operation through a remote centralized control using redundant communication lines. If there is a physical communication line failure, the system switches to a backup communication line.

Ogle discloses a technique for enabling messaging systems to use alternate message delivery mechanisms, which enables messages to be accepted for and delivered to a recipient even though he is not currently logged on to an Instant Messaging System (IMS) (Ogle, col. 2, lines 50-52). Significantly, it is the recipient who selects the message delivery mechanisms through which he chooses to be available.

Krishnan teaches a traditional call routing and forwarding system interfacing with a plurality of telephones.

Patentability of the Independent Claim 5 over the Prior Art under 35 U.S.C. 102

Claim 1 has been rejected under 35 U.S.C. §102(b) as being anticipated by Satomi. Claim 1 has been canceled and replaced by claim 5.

The network system of Satomi includes a line switching unit 102 that is set up to establish connections between different line switching units. A line control unit 102 is connected to a table 111 and controls a line switching mechanism 102a. Under the control of a control section 102b, the line switching mechanism 102a conducts a change-over operation to connect a node 104 linked to a current line 107 to a back up line 108 while a connecting section 102d initiates a call to a partner line switching unit. (Satomi, Fig. 2, col. 3, lines 5-23, relied upon in the Office Action). However, Satomi only uses one means of communication, namely a traditional telephone line, e.g., an integrated service digital network (ISDN) (Satomi, col. 1, lines 38-47).

The network control unit 109 in Satomi, which is part of the network system for controlling line switching units, cannot detect whether a communication partner can be reached. It can only detect whether a physical connection between two switching units can be established. Therefore, a switching action cannot depend on the success of an attempt to reach a communication partner because an unsuccessful attempt is usually not caused by communication line failures. Therefore, Satomi is incapable of determining whether a communication partner can be reached in the context of the present invention.

Further, the network system disclosed in Satomi is incapable of using different communication mechanisms. For example, it is not capable of sending emails or short messages instead of establishing a telephone connection. It is limited to physical communication lines between two line switching units using redundant communication lines. In contrast, independent

claim 5 recites a control unit that is capable of selecting different means of communication, i.e., mobile phones, emails, or LAN voice connection and enable the connecting device to establish a communication connection by using the selected means of communication.

Satomi fails to disclose or teach any of the following recited features of claim 5:

1. a memory for storing data entered by the first person related to a plurality of other persons with whom the first person may wish to communicate,

2. means for establishing a communication connection, via a designated one from among the plurality of means for communication, between the first person and one of the plurality of other persons selected by the first person,

3. means for determining whether said selected other person could not be reached via the designated means for communication, and

4. control means for designating another from among the plurality of specified means for communication when the selected other person could not be reached, and for attempting to establish a communication connection with the selected other person via the other designated means for communication.

Accordingly, claim 5 is clearly not anticipated by Satomi.

Patentability of Independent Claim 5 over the Prior Art under 35 U.S.C. 103

The number and significance of the many differences between the invention recited in claim 5 and Satomi are such that there is no supportable basis to assert that claim 5 is obvious over Satomi. On the contrary, it is clear that claim 5 is clearly unobvious over Satomi, applied alone, under 35 USC 103.

Ogle teaches an instant messaging network where all users can define the registry entries used for establishing a connection. However, in Ogle it is only ***the person who is receiving*** the communication (col. 7, lines 23-53 and col. 8, lines 29-47) who can register in the instant messaging system and specify a preferable manner to be reached. In contrast, independent claim 5 recites that the data is entered by the user of the terminal, namely the person who initiates a communication. This is a highly advantageous feature.

In particular, the approach of the present invention enables the control features to be realized in the communication terminal without having to implement special configurations to a communication network, which is something required by Ogle. Moreover, it enables the user of the communication terminal to be in control of the very communication session that he initiates because, in actuality, it is only he who knows the importance and urgency of the information intended to be conveyed to the other party.

Accordingly, claim 5 clearly and patentably distinguishes the present invention over Satomi and Ogle applied singly or in combination under 35 USC 103

In the call forwarding system disclosed by Krishnan, a customer can set up a list of destination numbers at a service control processor (103), each destination number having a weight x, which is the maximum permitted number of rings for that number. In the event a call is placed to a certain number and the call is not answered within certain number of rings or the number is busy, the call is forwarded to a next number on the list, and so on until the call is answered or the end of the list is reached. Although Krishnan teaches that the call forwarding and rerouting system can be programmed by a user (col. 1, lines 44-46 of Krishnan, as relied upon in the Office Action), Krishnan's system is only capable of obtaining a telephone number from a list, continuously dialing a list of numbers until it reaches one of the numbers in the list and connecting the call with that

number, i.e., a traditional "routing and forwarding" mechanism. Krishnan does not teach that a user can specify different means of communication s that term is used in the context of the present invention.

It is respectfully submitted that a person of ordinary skilled in the art would have no motivation to combine Satomi with Ogle or Krishnan in the way proposed in the Office Action, nor has the Office Action presented a viable motivation. A perfunctory mention of greater efficiency is not believed to satisfy this requirement. However, even if these references were to be combined, they fail to obviate the present invention for the reasons presented above.

Each of amended dependent claims 2 and 3 depends from independent claim 5 and, thus, is allowable therewith.

Conclusion

Based on all of the above, it is respectfully submitted that the present application is now in proper condition for allowance. Prompt and favorable action to this effect and early passing of this application to issue are respectfully solicited.

Should the Examiner have any comments, questions, suggestions, or objections he is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of such matters.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

By _____
Thomas Langer, Reg. No. 27,264
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

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